

IA Bail no. 279/2022

Order-sheet

Present: Sh. S.K. Poddar

Sessions Judge, Morigaon

09.11.2022

Ld. Advocate for the accused petitioner is present.

This is a petition filed u/s 439 CrPC for granting bail to accused Tafajjul Islam and Mainul Hoque, who are in jail custody since 11.09.2022, in connection with Mikirbheta PS case no. 202/2022, registered u.s 21b/29 of NDPS Act.

Called for case diary is received.

During hearing, Ld. Advocate for the accused has submitted that accused persons are in jail custody since 11.09.2022 and today is the 59th days of his arrest and considering period of detention, accused persons may be allowed to go on bail. On the other hand, Ld. Public Prosecutor, Morigaon has objected in granting bail by referring to the bail objection submitted by the I.O and further submitted that about 100 gms of suspected heroin was recovered from the possession of accused persons and as such they deserves custodial trial in the event of submission of charge-sheet within time. I have considered the submissions of both the sides.

FIR dated 11.09.2022 lodged by SI U Das discloses that on the basis of some secret information a motorcycle bearing registration no. AS 02-W-3685 was intercepted and police could recover 8 no. of soap cases and apprehended Moinul Hoque and Tafajjul Islam and the net weight of the seized suspected drugs is 100 gms, without containers.

From the case diary it appears that case is pending for collection of FSL report only. As such, considering the quantity of drugs seized and present stage of investigation, I am of the opinion that it is not a fit case for granting bail to the accused persons at this stage. As such, prayer for bail stands rejected.

Send back the case diary along with a copy of this order.

Bail petition is disposed of.